

2593. Misbranding of Thermophore devices. U. S. v. 20 * * *, etc. (F. D. C. No. 24349. Sample No. 14913-K.)

LIBEL FILED: February 26, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 6 and December 17, 1947, by the Battle Creek Equipment Co., from Battle Creek, Mich.

PRODUCT: 20 *Thermophore devices* at Chicago, Ill., together with a number of circulars entitled "Soothing Pain Relieving" and a number of booklets entitled "I can highly recommend." Examination showed that the device consisted of an electrically heated unit covered with white canvas duck and equipped with two white flannel covers.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the device were false and misleading since they represented and suggested that the device was effective in the relief of all types of pain and in the treatment of the condition causing such pains; that it was effective in the prevention and cure of respiratory infections; and that it was effective to promote health and to prevent insomnia. The device was not effective for such purposes.

DISPOSITION: January 7, 1949. Default decree of condemnation. It was ordered that the labeling be destroyed and that the devices then be delivered to a charitable institution or destroyed.

2594. Misbranding of Zerret Applicator devices. U. S. v. 9 * * *. (F. D. C. No. 24324. Sample No. 14906-K.)

LIBEL FILED: February 3, 1948, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about November 20, 1947, by Mary Stanakis, from Chicago, Ill.

PRODUCT: 9 devices known as *Zerret Applicator* at Sheboygan, Sheboygan Falls, Kohler, New Holstein, Plymouth, and Manitowoc, Wis. Examination showed that the device consisted of two plastic hemispheres connected with a plastic rod and partially filled with moist cotton.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in circulars entitled "Directions for the Use of Zerret Applicator," "Why Zerret Works," "The Therapeutic Potency of Expanded Hydrogen Atoms," and "Ferguson's Zerret-Applicator" were false and misleading. The statements represented and suggested that the device was effective in the cure, mitigation, treatment, and prevention of diseases of man, in the alleviation of symptoms, and in normalizing the functions of the body of man; that it would be effective in the treatment of obesity, abnormal thinness, glandular malfunctioning, diarrhea, constipation, congestions, over-accumulations of fluids, over-contraction of musculature, and progress of old age; and that the device when used as directed would constitute a safe and appropriate treatment for such diseases and conditions. The article would not be effective for such diseases and conditions, and when used as directed it may delay appropriate treatment of serious diseases, resulting in serious or permanent injury or death to the user.

DISPOSITION: December 14, 1948. Mary Stanakis, claimant, having filed an answer denying that the device was misbranded, but subsequently having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that two of the devices and their labeling be delivered to the Federal Security Agency for record and research purposes and that the remaining devices and their labeling be destroyed.